

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP
2 BRUCE D. CELEBREZZE Bar No. 102181
3 bruce.celebrezze@sdma.com
4 MICHELLE Y. MCISAAC BAR NO. 215294
5 michelle.mcisaac@sdma.com
6 One Market Plaza
7 Steuart Tower, 8th Floor
8 San Francisco, California 94105
9 Telephone: (415) 781-7900
10 Facsimile: (415) 781-2635

11 Attorneys for Defendants
12 HARTFORD LIFE INSURANCE COMPANY
13 and HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY
14

15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 VICKI CAPRIO and DUANE A.
20 BARBAROTTO as decedent Nicholas J.
21 Barbarotto's Successor in Interest,

22 Plaintiff,

23 v.

24 HARTFORD LIFE INSURANCE
25 COMPANY, a corporation doing business
26 as THE HARTFORD and HARTFORD
27 LIFE AND ACCIDENT INSURANCE
28 COMPANY, and DOES 1 through 20,
inclusive,

Defendants.

CASE NO. C 08-0338 CW

**NOTICE OF MOTION AND MOTION OF
DEFENDANTS HARTFORD LIFE
INSURANCE COMPANY AND
HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY TO DISMISS
PLAINTIFF'S COMPLAINT**

JUDGE: Hon. Claudia Wilken
CTRM: 2, 4th Floor
DATE: March 6, 2008
TIME: 2:00 p.m.

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 6, 2008, at 2:00 p.m., or as soon thereafter as the matter may be heard, in Courtroom 2, located on the 4th floor of the above-entitled court located at 1301 Clay Street, Oakland, California, the motion of defendants Hartford Life and Accident Insurance Company and Hartford Life and Accident Insurance Company (jointly "Hartford") to dismiss plaintiffs' complaint, will come on for hearing before the Honorable Claudia Wilken.

1
2 The action filed by plaintiffs Vicki Caprio and Duane A. Barbarotto as successors in
3 interest to decedent Nicholas J. Barbarotto is barred on grounds of *res judicata* and therefore,
4 defendants' motion should be granted.

5 This motion is based on this Notice, the Memorandum of Points and Authorities and
6 Request for Judicial Notice filed concurrently herewith, the documents on file with the court
7 herein, and oral arguments presented at the time of the hearing on this matter.

8 DATED: January 25, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

9
10
11 By: s/Michelle Y. McIsaac
12 BRUCE D. CELEBREZZE
13 MICHELLE Y. MCISAAC
14 Attorneys for Defendants
15 HARTFORD LIFE INSURANCE COMPANY
16 and HARTFORD LIFE AND ACCIDENT
17 INSURANCE COMPANY
18
19
20
21
22
23
24
25
26
27
28